



General Assembly

February Session, 2004

Raised Bill No. 5057

LCO No. 340

00340_____LAB

Referred to Committee on Labor and Public Employees

Introduced by:
(LAB)

***AN ACT CONCERNING SOCIAL SECURITY OFFSETS UNDER THE
WORKERS' COMPENSATION ACT.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 31-307 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2004*):

3 (a) If any injury for which compensation is provided under the
4 provisions of this chapter results in total incapacity to work, the
5 injured employee shall be paid a weekly compensation equal to
6 seventy-five per cent of [his] the injured employee's average weekly
7 earnings as of the date of the injury, calculated pursuant to section 31-
8 310, after such earnings have been reduced by any deduction for
9 federal or state taxes, or both, and for the federal Insurance
10 Contributions Act made from such employee's total wages received
11 during the period of calculation of the employee's average weekly
12 wage pursuant to said section 31-310; but the compensation shall not
13 be more than the maximum weekly benefit rate set forth in section 31-
14 309 for the year in which the injury occurred. No employee entitled to
15 compensation under this section shall receive less than twenty per cent
16 of the maximum weekly compensation rate, as provided in section 31-

17 309, provided the minimum payment shall not exceed seventy-five per
18 cent of the employee's average weekly wage, as determined under
19 section 31-310, and the compensation shall not continue longer than
20 the period of total incapacity.

21 (b) Notwithstanding the provisions of subsection (a) of this section,
22 any employee who suffers any injury or illness caused by [his] the
23 employer's violation of any health or safety regulation adopted
24 pursuant to chapter 571 or adopted by the federal Occupational Safety
25 and Health Administration and listed in 29 CFR, Chapter XVII, after
26 the violation has been cited in accordance with the provisions of
27 section 31-375 or the provisions of the Occupational Safety and Health
28 Act of 1970, 84 Stat. 1601 (1970), 29 USC 658 and not abated within the
29 time fixed by the citation, provided the citation has not been set aside
30 by appeal to the appropriate agency or court having jurisdiction, shall
31 receive a weekly compensation equal to one hundred per cent of the
32 employee's average weekly earnings at the time of the injury or illness.

33 (c) The following injuries of any person shall be considered as
34 causing total incapacity and compensation shall be paid accordingly:
35 (1) Total and permanent loss of sight of both eyes, or the reduction to
36 one-tenth or less of normal vision; (2) the loss of both feet at or above
37 the ankle; (3) the loss of both hands at or above the wrist; (4) the loss of
38 one foot at or above the ankle and one hand at or above the wrist; (5)
39 any injury resulting in permanent and complete paralysis of the legs or
40 arms or of one leg and one arm; (6) any injury resulting in incurable
41 imbecility or mental illness.

42 (d) An employee who has suffered the loss or loss of the use of one
43 of the members of [his] the body, or part of one of the members of [his]
44 the body, or the reduction of vision in one eye to one-tenth or less of
45 normal vision, shall not receive compensation for the later injury in
46 excess of the compensation allowed for the injury when considered by
47 itself and not in conjunction with the previous incapacity except as
48 provided in this chapter.

49 [(e) Notwithstanding any provision of the general statutes to the
50 contrary, compensation paid to an employee for an employee's total
51 incapacity shall be reduced while the employee is entitled to receive
52 old age insurance benefits pursuant to the federal Social Security Act.
53 The amount of each reduced workers' compensation payment shall
54 equal the excess, if any, of the workers' compensation payment over
55 the old age insurance benefits.]

This act shall take effect as follows:	
Section 1	October 1, 2004

Statement of Purpose:

To eliminate the requirement that workers' compensation total disability benefits be reduced by any Social Security retirement benefits to which the injured worker is entitled.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]